

1 WILLIAM A. ISAACSON (Pending *Pro Hac Vice*)
(wisaacson@bsflp.com)

2 BOIES, SCHILLER & FLEXNER LLP
3 5301 Wisconsin Ave, NW, Washington, DC 20015
3 Telephone: (202) 237-2727; Fax: (202) 237-6131

4 JOHN F. COVE, JR (Pending *Pro Hac Vice*)
5 (jcove@bsflp.com)
6 BOIES, SCHILLER & FLEXNER LLP
6 1999 Harrison Street, Suite 900, Oakland, CA 94612
7 Telephone: (510) 874-1000; Fax: (510) 874-1460

8 RICHARD J. POCKER #3568
(rpocker@bsflp.com)
9 BOIES, SCHILLER & FLEXNER LLP
10 300 South Fourth Street, Suite 800, Las Vegas, NV 89101
10 Telephone: (702) 382 7300; Fax: (702) 382 2755

11 DONALD J. CAMPBELL #1216
(DJC@campbellandwilliams.com)
12 J. COLBY WILLIAMS #5549
(JCW@campbellandwilliams.com)
13 CAMPBELL & WILLIAMS
14 700 South 7th Street, Las Vegas, Nevada 89101
15 Telephone: (702) 382-5222; Fax: (702) 382-0540

16 *Attorneys for Defendant* Zuffa, LLC, d/b/a
17 Ultimate Fighting Championship and UFC

18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, on behalf
21 of themselves and all others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.

26 Lead Case No.: 2:15-cv-01045-RFB-(PAL)

27 Member Case Nos.:

2:15-cv-01046-RFB-(PAL)

2:15-cv-01055-RFB-(PAL)

2:15-cv-01056-RFB-(PAL)

2:15-cv-01057-RFB-(PAL)

25 **DECLARATION OF JOHN F. COVE, JR.**
26 **PURSUANT TO L.R. 26-7(b) IN SUPPORT**
26 **OF ZUFFA LLC'S MOTION TO STAY**
27 **DISCOVERY**

1 Luis Javier Vazquez and Dennis Lloyd
2 Hallman, on behalf of themselves and all
3 others similarly situated,

4 Plaintiffs,

5 v.

6 Zuffa, LLC, d/b/a Ultimate Fighting
7 Championship and UFC,

8 Defendant.

Case No. 2:15-cv-01055 RFB-(PAL)

9 Brandon Vera and Pablo Garza, on behalf of
10 themselves and all others similarly situated,

11 Plaintiffs,

12 v.

13 Zuffa, LLC, d/b/a Ultimate Fighting
14 Championship and UFC,

15 Defendant.

Case No. 2:15-cv-01056 RFB-(PAL)

16 Gabe Ruediger and Mac Danzig, on behalf of
17 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 Zuffa, LLC, d/b/a Ultimate Fighting
21 Championship and UFC,

22 Defendant.

Case No. 2:15-cv-01057 RFB-(PAL)

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1 Kyle Kingsbury and Darren Uyenoyama, on
2 behalf of themselves and all others similarly
 situated,

Case No. 2:15-cv-01046 RFB-(PAL)

Plaintiffs,

V.

6 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

BOIES, SCHILLER & FLEXNER, CALIFORNIA

1 I, JOHN F. COVE, JR., declare as follows:

- 2 1. I am an attorney admitted to practice in the State of California (CA Bar No. 212213). I
3 am a partner in the law firm Boies, Schiller & Flexner LLP, counsel to Defendant Zuffa,
4 LLC ("Zuffa") in this case.
- 5 2. I submit this declaration pursuant to Local Rule 26-7(b) in support of Zuffa's Motion to
6 Stay Discovery. I have personal knowledge of the facts stated in the declaration and if
7 called to testify, I would and could competently testify to those facts.
- 8 3. On April 15, 2015, I met with Plaintiffs' counsel for the Rule 26(f) conference in
9 Washington, D.C. At that meeting, I informed Plaintiffs that Zuffa believed discovery
10 should be stayed pending the Court's resolution on the Motion to Dismiss and the Motion
11 to Transfer Venue. Eric Cramer, counsel for the Plaintiffs, said Plaintiffs were of the view
12 that discovery should commence immediately. Despite meeting and conferring in person,
13 the parties were unable to reach a resolution on the issue at this meeting.
- 14 4. Following the Rule 26(f) conference, Plaintiffs and I continued to discuss the issue of
15 staying discovery as we worked on the Joint Case Management Statement. Despite
16 continued discussions, we were unable to come to an agreement on this issue and each
17 side set out its respective position in the Joint Case Management Statement filed in the
18 Northern District of California. *Le* Dkt. 81.
- 19 5. Given our inability to resolve this issue, Zuffa filed a Motion to Stay Discovery in the
20 Northern District of California on May 13, 2015. While the Motion was pending, the
21 parties reached an agreement to stay discovery pending the resolution of the Motion to
22 Transfer and hold Zuffa's Motion to Stay in abeyance pending resolution of the Motion to
23 Transfer with briefing on the Motion to resume after resolution of the Motion to Transfer.
24 *Le* Dkt. 91. Judge Davila of the Northern District entered this stipulated order on June 1,
25 2015, thus staying discovery pending the resolution of the Motion to Transfer. *Le* Dkt.
26 92.
- 27 6. On June 5, 2015, Magistrate Judge Koppe denied Zuffa's Motion to Stay in the *Kingsbury*
28 matter without prejudice with the option to refile the motion addressing case law from this

1 district. *Kingsbury*, 2:15-cv-01046 RFB-(PAL) Dkt. 29.

2 7. On June 12, 2015, I spoke with Eric Cramer and again informed him that Zuffa believes
3 that discovery should continue to be stayed pending resolution of Zuffa's Motion to
4 Dismiss. I asked whether Plaintiff would consent to such a stay. Mr. Cramer said that
5 Plaintiffs believed that discovery should proceed and that Plaintiffs would oppose the
6 Motion.

7 8. I hereby certify pursuant to Local Rule 26-7 that after personal consultation with
8 Plaintiffs' counsel and sincere effort to do so, Zuffa has been unable to resolve this matter
9 without Court action.

10 I declare under penalty of perjury, under the laws of the State of Nevada, that the foregoing is
11 true and correct.

12 13
14 Dated: June 12, 2015

15 /s/ John F. Cove, Jr.
16 John F. Cove, Jr.
17 Attorneys for Defendant Zuffa, LLC, d/b/a
18 Ultimate Fighting Championship and UFC
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